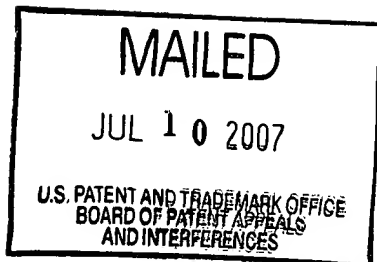


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte: DALE R. LOVERCHECK

Application No. 09/900,647

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 8, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner.

The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER

An Examiner's Answer was mailed on November 4, 2004, in response to the Appeal Brief filed July 8, 2004. In the Examiner's Answer, the section entitled Grouping of Claims, (pg. 2, para. 7, lines 19-21) the Examiner indicates:

The rejection of claims 26-30, 33-35, 37-46, 48, 50-54, 56, 59-61, 64-69, 71-84, 86-87 and 91-94 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together....

The Examiner's statement is in error, note the Appeal Brief filed July 8, 2004, reflects, Grouping of Claims (pg. 2, lines 16-23):

Claims 48, 50-54, 56, 59-61, 64-69, 71-81 are grouped together...
[t]hese claims do not stand or fall together; and

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Claims 26-30, 33-35, 37-46, 82-84, 86-87 and 91-94 are grouped together...
[t]hese claims do not stand or fall together.

Correction of the Examiner's Answer is required.

CONCLUSION


Accordingly, it is

Ordered that the application is returned to the Examiner for

1) issue a Supplemental Examiner's Answer reconsidering the Appeal Brief, Grouping of Claims filed July 8, 2004, as per 37 CFR 1.192 (see MPEP, Section 1208, Eighth Ed. Revision 1, February 2003); and

(2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



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